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OFFICE OF PETITIONS

In re Application of
Burzynski et al.
Application No. 10/614,543
Filed: July 3, 2003
Attorney Docket No. ICUMM1.4CP1RE
Title: SELF-BLUNTING NEEDLE MEDICAL
DEVICES AND METHODS OF
MANUFACTURE THEREOF

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the reissue petition filed March 17, 2005, under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on July 3, 2003, without an executed oath or declaration. Accordingly, on September 14, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and §1.175 a surcharge for its late filing. This Notice set an extendable two-month period for reply of November 14, 2004.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. To make timely a four month extension of time was obtained. In support of the petition, applicants submitted copies of correspondence which was mailed to the non-signing inventor.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with

the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. In addition in a reissue application, rule 47 applicant must meet the requirements of 37 CFR §1.175.

The instant petition does not satisfy requirements (2).

As to item (2), the declaration submitted is not in compliance with 37 CFR 1.63 . Rule 47 applicant failed to provide the citizenship of all of the inventors pursuant to 37 CFR 1.63 (a)(3). Petitioner has also failed to provide the mailing address of all of the non signing inventors pursuant to 37 CFR 1.63 (c)(1) On renewed petition, a newly executed declaration is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(703) 872-9306
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.



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